

ORDINANCE NO. 9

Series, 1957

AN ORDINANCE MAKING IT UNLAWFUL TO ALLOW A CHILD TO BECOME OR REMAIN A DEPENDENT OR DELINQUENT CHILD, AND PROVIDING PUNISHMENT FOR THE VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1: It shall be unlawful for any person to wilfully do any act which causes or tends to cause any child under the age of eighteen years to become a dependent or delinquent child. It shall be unlawful for any person to omit to do any act which omission causes or tends to cause any child under the age of eighteen years to become a dependent or delinquent child.

Section 2: It shall be unlawful for any parent, natural guardian, or legal guardian, or any other person or persons having the care or custody of a child under the age of eighteen years to fail to properly supervise and care for such child so that such failure or omission causes the child to become a dependent or delinquent child.

Section 3: The word "person" as used in Section 1 of this ordinance shall include parent, natural guardian, legal guardian, or any other person or persons having care, custody or control of a child under the age of eighteen years.

Section 4: Any child shall be a dependent child or a delinquent child within the meaning of this ordinance when such child is a dependent child or delinquent child as defined by any statute of the State of Oregon.

Section 5: Any person or persons violating any of the provisions of this ordinance shall upon the conviction thereof, in the Municipal Court of the City of Elgin, be fined in a sum not more than \$500.00, or imprisoned in the City Jail for a period of not more than 100 days, or both.

Section 6: Inasmuch as the City of Elgin has been enduring an outbreak of burglary, theft, larceny and juvenile delinquency for the several months last past, and some of said offenses are known to have been committed by children under the age of eighteen years, and inasmuch as it is essential for the health, welfare, peace and safety of the people of the City of Elgin that this ordinance become effective upon the passage thereof, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of the members of the Council present at the time of its passage and upon the approval of the Mayor of said City.

PASSED this 8th day of OCTOBER, 1957.

APPROVED this 8th day of OCTOBER, 1957.

Rex C. Roulet
MAYOR

Attested to and filed this 8th
day of OCTOBER, 1957.

GP Miller
CITY RECORDER

ORDINANCE NO. 10

Series, 1957

AN ORDINANCE REGULATING THE SALE, GIFT OR POSSESSION OF ALCOHOLIC LIQUOR, PROVIDING PUNISHMENT FOR THE VIOLATION THEREOF, REPEALING ANY ORDINANCE OR PORTION THEREOF IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1: Definitions

- (1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one per cent alcohol by volume, in every liquid or solid, patented or not, containing alcohol, and capable of being consumed by human beings.
- (2) The words, "sell" or "to sell" include the following:
 - (a) To solicit or receive an order.
 - (b) To deliver for value or in any way other than purely gratuitously.
 - (c) To peddle.
 - (d) To keep with intent to sell.
 - (e) To traffic in.
 - (f) For any consideration, promise or obtain, directly or indirectly, or under any pretext or by any means, to procure or allow to be procured by any other person.
- (3) The word "sale" means every act of selling as defined in subsection (2) above described.
- (4) The word "person" includes an individual, partnership, corporation, association or club.
- (5) "Common nuisance" means any room, house, building, structure, place or kind where alcoholic liquor is sold, bartered or given away in violation of the laws of the State of Oregon, or where any person or persons are permitted to resort for the purpose of drinking alcoholic liquor in violation of the laws of the State of Oregon, or any place where alcoholic liquor is kept for sale, barter or gift in violation of the laws of the State of Oregon.

Section 2: Violations

- (1) No person licensed by the State of Oregon under the Liquor Control Act and/or Oregon Distilled Liquor Control Act, shall sell, or offer for sale, or give away any alcoholic liquor, in a manner, or to a person, other than in a manner his liquor license so permits.
- (2) No person shall sell alcoholic liquor to any person under the age of twenty-one years, to a person who is visibly intoxicated, or to a person who has been interdicted.
- (3) No person other than a parent, guardian or other responsible relative, shall give any alcoholic liquor to any person under the age of twenty-one years.
- (4) No person shall give any alcoholic liquor to a person visibly intoxicated or to a person under an order of interdiction.

(5) No person under the age of twenty-one years shall possess, purchase or offer or attempt to purchase any alcoholic liquor.

(6) No person under an order of interdiction shall possess, purchase or offer or attempt to purchase any alcoholic liquor.

(7) No person shall maintain or assist in maintaining a common nuisance.

Section 3: Any ordinance of the City of Elgin or any clause, sentence, sub-division or section of any ordinance of the City of Elgin in conflict with this ordinance is to the extent of such conflict hereby repealed.

Section 4: If any word, clause, sentence, sub-division or section of this ordinance shall for any reason be declared invalid by a Court of competent jurisdiction, such decision shall not affect, impair nor invalidate any other word, clause, sentence, sub-division or section of this ordinance. But said decision by said Court shall be confined in its operation to the particular word, clause, sentence, sub-division or section of this ordinance involved in the controversy in which such decision and/or judgment may be rendered.

Section 5: Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, in the Municipal Court of the City of Elgin, be fined in a sum not more than \$500.00, or imprisoned in the City Jail for a period of not more than 100 days, or both, in the discretion of said Municipal Court.

Section 6: Emergency

Inasmuch as the ordinances of the City of Elgin are incomplete and fail to regulate and prescribe punishment for the violation of such regulations, relative to the sale, gift or possession of alcoholic liquor, and that inasmuch as the City of Elgin has been confronted with the violations of the provisions of this ordinance heretofore, and it is necessary for the preservation of the peace, welfare and safety of the City of Elgin that this ordinance become effective upon the passage thereof, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of the members of the Council present at the time of its passage and upon the approval of the Mayor of said City.

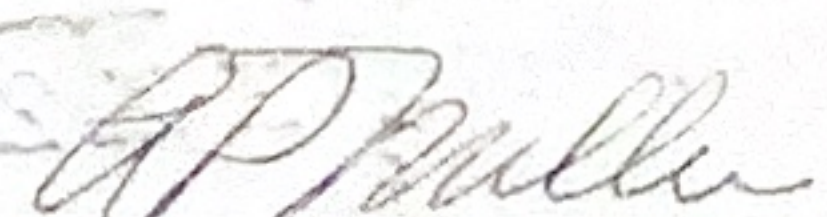
PASSED this 10th day of December, 1957.

APPROVED this 10th day of December, 1957.



Mayor

Attested to and filed this 10th
day of December, 1957.



City Recorder

ORDINANCE NO. 2

Series, 1959

AN ORDINANCE CREATING A BOXING AND WRESTLING COMMISSION UNDER AND BY VIRTUE OF SECTIONS 463.010 ET SEQ. OF THE OREGON REVISED STATUTES, ADOPTING THE APPLICABLE PROVISIONS OF SECTIONS 463.010 ET SEQ. OF THE OREGON REVISED STATUTES, AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

- Section 1: A boxing and wrestling commission is hereby created. Said boxing and wrestling commission shall consist of three citizens of ^{Elgin} Union County, Oregon, at least one of whom shall be a reputable licensed practicing physician. The members of said commission shall be appointed by the Mayor and Council for terms of one year from the date of their appointment, or until their successors shall be appointed. The commissioners shall serve without salary or compensation and shall be subject to removal from office at any time during their tenure for such reason as the Mayor and Council may deem good and sufficient.
- Section 2: The commission shall have jurisdiction over all boxing and wrestling competitions within the City of Elgin, Oregon, and as otherwise provided by law.
- Section 3: The commission shall have general supervision and control over all matters pertaining to boxing and wrestling competition within their jurisdiction and the power to carry out the provisions of Chapter 463 of the Oregon Revised Statutes, which by this reference are incorporated herein as though fully set forth herein. Such general supervision and control by said commission shall be exclusive and shall extend to not only all boxing and wrestling competitions but all boxing and wrestling matches, shows, bouts and exhibitions.
- Section 4: It shall be unlawful for any person or persons, association, company or corporation, either personally, or as a manager, director, agent or employee, or in any other capacity, to carry on, hold, direct, manage, supervise, arrange or participate in any boxing or wrestling match, bout, show or exhibition, unless and until the same is consented to and the approval thereof has first been obtained from said boxing and wrestling commission, except as otherwise provided in Chapter 463 of the Oregon Revised Statutes.
- Section 5: Any person violating any of the provisions of this ordinance shall, upon conviction thereof, in the Municipal Court of the City of Elgin, be fined in a sum of not more than \$500.00, or imprisoned in the City Jail for a period of more than 100 days, or both, in the discretion of said Municipal Court.
- Section 6: Inasmuch as the ordinances of the City of Elgin are incomplete and fail to regulate and provide for the establishment of a boxing and wrestling commission, and inasmuch as the City of Elgin has heretofore been so properly requested to create the same, it is necessary for the preservation of the peace, welfare and safety of the City of Elgin that this ordinance become

effective upon the passage thereof, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by a unanimous vote of the members of the Council present at the time of its passage upon approval of the Mayor of said City.

PASSED this 10th day of February, 1959.

APPROVED this 10th day of February, 1959.

Myron J. Chandler
Mayor

ATTESTED and filed this 10th day
of February, 1959.

GP Miller
City Recorder

ORDINANCE NUMBER 4

SERIES 1959

AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY; THE METHOD AND PROCEDURE FOR SELECTING JURORS; A JURY FEE; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1. RIGHT TO TRIAL BY JURY AND DEPOSIT FOR JURY FEES: Every person charged with any offense defined and made punishable by an ordinance of the City of Elgin shall have the right to trial by jury upon notice in open court on arraignment or entry of plea and payment at that time into court of a deposit of \$30.00 as a jury fee.

Section 2. NUMBER OF JURORS: The jury shall consist of six (6) persons duly sworn to try the cause for which they are called, and the jurors shall be selected as hereinafter provided.

Section 3. TERM OF COURT: The first term of the municipal court shall commence on the effective date of this ordinance and expire at twelve o'clock midnight on the 31st day of December, 1960. Thereafter terms of the municipal court shall commence on the 1st day of January in each year and continue for a period of twelve months.

Section 4. JURY LIST: Upon the effective date of this ordinance, and on the 1st day of January, 1961, and the 1st day of January in each year thereafter, the City Recorder shall prepare a jury list containing the names of 30 persons taken from the latest tax roll and the registration books used at the latest City election by lot. He shall then delete from the jury list the names of persons known not to be qualified by law under the state statutes with respect to the selection of jurors to serve as jurors and draw additional names until a jury list of 30 persons has been prepared. The names of those persons deleted from the jury list shall be placed on a separate list known as "The Rejected Prospective Jurors", and opposite each name the reason for the removal of the name shall be stated. The jury list so prepared shall contain the Christian name and surname and place of residence and occupation of each person named therein and shall be certified by the City Recorder and placed on file in his office within ten days from the time it is prepared.

Section 5. SELECTION OF THE TRIAL JURY: At least three (3) days prior to the trial date, excluding Sundays and legal holidays, the defendant, or his attorney, and the City Attorney shall appear before the Municipal Judge for the selection of the jury. The time and place of such selection shall be designated by the court, and the Municipal Judge shall notify the defendant, or his attorney, and the City Attorney of said time and place. The Judge shall select the names of six (6) persons from the jury panel by lot. The defendant, or his attorney, may then challenge three (3) of the prospective jurors and the City Attorney may challenge three (3) of the prospective jurors. The order of challenges shall be that the defendant, or his attorney, may challenge one (1) juror and the City Attorney may challenge one (1) juror, and the challenges shall so proceed with the defendant and the City alternating until all challenges as herein provided shall have been used or waived. Additional names shall be selected by lot by the Municipal Judge to replace those jurors challenged. When six (6) jurors have been selected they shall be notified to appear for trial at the appointed time and place and shall constitute the trial jury.

Section 6. VERDICT: Five of the six jurors sworn to try the cause must concur to render a verdict.

Section 7. REFUND OF JURY FEE: If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

Section 8. PAYMENT OF JURORS. Jurors notified and who appear at the trial shall receive compensation from the City of Elgin in the amount of \$5.00 for each day of attendance upon the municipal court.

Section 9. COSTS AND DISBURSEMENTS: In all cases tried before a jury in the municipal court the Municipal Judge shall add to the fine, penalty or sentence imposed, costs and disbursements equal to the fees paid to jurors under the provisions of this ordinance which shall be satisfied first from the jury fee deposit hereinabove provided for.

Section 10. ALTERNATE JURORS: The Municipal Judge may select two additional jurors at the same time as and in the same manner as trial jurors are selected under this ordinance, except that as to such alternate jurors the City and the de-

fendant shall each have the right to challenge one juror so drawn. The Municipal Judge may excuse for good cause jurors selected as trial jurors, and in event such jurors shall be so excused, the first juror so excused shall be replaced by the first alternate juror and the second juror so excused shall be replaced by the second alternate juror. In event no alternate jurors are selected and a trial juror is excused by the Municipal Judge, or in event alternate jurors are selected and more trial jurors are excused than the number of alternate jurors available, a new jury shall be selected.

Section 11. NOTICE OF JURY DUTY: The Chief of Police shall, under the direction of the municipal judge, serve notices of jury duty on persons selected as trial or alternate trial jurors. Any person so selected who disregards such notice and fails to appear at the time and place appointed is guilty of contempt to Court, and upon being so held by the Municipal Judge may be punished by a fine not in excess of \$100.00 or by imprisonment in the City Jail for not in excess of ten (10) days, or by both such fine and imprisonment.

Section 12. QUALIFICATION AND EXEMPTION OF JURORS. In preparing the jury list the City Recorder shall discard the names of those persons who are known or believed by him not to be possessed of the qualifications of jurors or entitled to exemption under the provisions of Sections 10.030 and 10.040, Oregon Revised Statutes.

Section 13. WHEREAS the act of the Legislative Assembly of Oregon requiring jury trials in municipal courts is in full force and effect and the City of Elgin must immediately provide for appropriate procedure for jury trials, it is necessary for the peace, health and safety of the people of the City of Elgin that this ordinance be immediately effective, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED and ADOPTED at Elgin, Oregon, this 10th day of November, 1959, with FIVE (5) Councilmen voting therefor.

APPROVED this 10th day of November, 1959.

W. H. Chandler
Mayor

ATTESTED and filed this 10th day of November, 1959.

H. P. Miller
City Recorder